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_				
In re	Brenten W. Johnson	)	Case No.	16-57328
		)	Chapter 13	
		)	Judge	Charles M. Caldwell
	Debtor(s)	,	C	
	`,	CHAPTER 1	3 PLAN	
1. NOT	TICES			
"Debtoi "§" nur	r" means either a single debtor or jo	oint debtors as ap	plicable. "Tru	Local Bankruptcy Rule ("LBR") 3015-1. istee" means Chapter 13 Trustee. Section Code. "Rule" refers to the Federal Rules
Unless	otherwise checked below, the Debto	or is eligible for a	discharge und	ler § 1328(f).
	Debtor	is <b>not</b>	<b>eligible</b> for a	discharge.
	☐ Joint Debtor	is	s not eligible	for a discharge.
and mu adverse 2(a). A bold, it  If an ite  Thi See  Thi NOTIO Provisi modificinclude confirm an Am and 30	ast be served on the Trustee, the United affect any party, the Amended Pany changes (additions or deletions) alics, strike-through or otherwise in the missing and contains nonstandard provise Plan limits the amount of a security Plan avoids a security interest of the CES TO CREDITORS: You should ions). Upon confirmation, you will ed, or eliminated. Unless otherwise a valuation hearing under \$ 506 mation is filed within fourteen (14) tended Plan, objections must be filed 15-2.	ted States trustee lan shall be accor from the previou the Amended Pla l be ineffective if isions in Paragrared claim based len. See Paragrade land this Plan l be bound by the and Rule 3012. To days after the \$	and all advers inpanied by the sly filed Plan in filed with the set out later in the 13. on a valuation caph(s) 5.4.1 in carefully, increased this Court, the court materials.	n the Plan.  n of the collateral securing the claim.
<b>2.1 Pla</b> paymer <b>2.1.1 S</b>	month of the	commence payme all increase to \$1	nts within thi	
	secured Percentage.			
⊠ Pero	centage Plan. Subject to Paragraph	2.3, this Plan wil	l not complete	e earlier than the payment of

4.0 % on each allowed nonpriority unsecured claim.

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▶ **Pot Plan.** Subject to Paragraph 2.3, the total amount to be paid by the Debtor to the Trustee is \$\\\ \81,852.00\$ . Assuming all claims are filed as scheduled or estimated by the Debtor, payment on each allowed nonpriority unsecured claim is estimated to be no less than 4,0 %. LBR 3015-1(c)(2).

#### 2.3 Means Test Determination.

- ☐ **Below Median Income.** Unless the allowed nonpriority unsecured claims are paid 100%, the projected length of the plan must be a minimum of thirty-six (36) months but not to exceed sixty (60) months.

### 3. PRE-CONFIRMATION LEASE PAYMENTS AND/OR ADEQUATE PROTECTION PAYMENTS

Pre-confirmation personal property lease payments governed by § 1326(a)(1)(B) shall be made as part of the total plan payment to the Trustee. LBR 3070-1(a). Pre-confirmation adequate protection payments governed by § 1326(a)(1)(C) shall be made as part of the total plan payment to the Trustee. LBR 3070-1(b). The lessor/secured creditor must file a proof of claim to receive payment. LBR 3070-1(a) and (b).

Name of Lessor/Secured Creditor	Property Description	Monthly Payment Amount	
Credit Acceptance Corp	Honda Accord	\$100.00	

### 4. VALUATION OF REAL PROPERTY

Unless otherwise stipulated by the parties or ordered by the Court, real property shall be valued at the amount set forth in the filed appraisal. If no objection is timely filed, the value of the real property set forth in the filed appraisal will be binding upon confirmation of the Plan. If a creditor files a timely objection to valuation of real property pursuant to LBR 3015-3(a), the confirmation hearing shall include a valuation hearing under § 506 and Rule 3012, unless otherwise ordered by the Court.

### 5. PAYMENTS TO CREDITORS

### SUMMARY OF PAYMENTS BY CLASS

Class	Definition	Payment/Distribution by Trustee
Class 1	Claims with Designated Specific Monthly Payments	Paid first in the monthly payment amount designated in the Plan
Class 2	Secured Claims with No Designated Specific Monthly Payments and Domestic Support Obligations (Arrearages)	Paid second and pro rata with other Class 2 claims
Class 3	Priority Claims	Paid third and pro rata with other Class 3 claims
Class 4	Nonpriority Unsecured Claims	Paid fourth and pro rata with other Class 4 claims
Class 5	Claims Paid by a Non-Filing Co- Debtor or Third Party	Not applicable
Class 6	Claims Paid by the Debtor	Not applicable

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Except as provided in Paragraph 3, the Trustee shall begin making distributions upon confirmation. To the extent funds are available, the maximum number of Classes may receive distributions concurrently. Notwithstanding the above, the Trustee is authorized within the Trustee's discretion to calculate the amount and timing of distributions as is administratively efficient.

### 5.1 CLASS 1 - CLAIMS WITH DESIGNATED SPECIFIC MONTHLY PAYMENTS

The following Class 1 claims shall be paid first in the monthly payment amount designated below. The plan payment is calculated in an amount that is sufficient for the Trustee to make a full monthly distribution on all Class 1 claims plus the statutory Trustee fee. If the Debtor makes a payment that is less than the full plan payment amount, the Trustee will make distributions on Class 1 claims in the order of priority set forth in the Bankruptcy Code.

### **5.1.1** Maintenance of Regular Mortgage Payments

Regular mortgage payments shall be calculated for payment starting the month after the filing of the petition. Arrearages shall be paid as Class 2 claims.

#### Trustee disburse.

Name of Creditor	Property Address	Residence (Y/N)	Monthly Payment Amount	
Third Fed. Savings and Loan	923 Berkeley Road, Columbus, OH	Y	\$670.00	

**Debtor direct pay**. Unless otherwise ordered by the Court, regular monthly mortgage payments may only be paid directly by the Debtor if the mortgage is current as of the petition date. LBR 3015-1(e)(1).

Nan	me of Creditor	Property Address	Residence (Y/N)	Monthly Payment Amount

### 5.1.2 Modified Mortgages and/or Liens Secured by Real Property ["Cramdown/Real Property"]

The following claims are subject to modification as (1) claims secured by real property that is not the Debtor's principal residence, (2) claims secured by other assets in addition to the Debtor's principal residence, or (3) claims for which the last payment on the original payment schedule for a claim secured only by a security interest in real property that is the Debtor's principal residence is due before the date on which the final payment under the plan is due. 11 U.S.C. §§ 1322(b)(2), (c)(2). To the extent that a claim is in excess of the value of the property, the balance in excess of the value of the property shall be treated as a Class 4 nonpriority unsecured claim.

Name of Creditor	1 ,	Minimum Monthly Payment	
	\$ □ Appraisal Filed □ Appraisal forthcoming		

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# 5.1.3 Claims Secured by Personal Property for Which § 506 Valuation is Not Applicable ["910 Claims/Personal Property"]

The following claims are secured by a purchase money security interest in either (1) a motor vehicle acquired for the Debtor's personal use within 910 days of the petition date or (2) personal property acquired within one year of the petition date. The proof of claim amount will control, subject to the claims objection process.

Name of Creditor	Property Description		Estimated Claim Amount	Interest Rate	Minimum Monthly Payment Including Interest	
Credit Acceptance Corp	Honda Accord	01/01/16	\$14,000.00	5%	\$100.00	

# 5.1.4 Claims Secured by Personal Property for Which § 506 Valuation is Applicable ["Cramdown/Personal Property"]

The following claims are secured by personal property not described above in Paragraph 5.1.3. Unless otherwise stipulated by the parties or ordered by the Court, the property shall be valued for purposes of § 506 at the lower of the creditor's representation on its proof of claim or the Debtor's representation below. LBR 3012-1(a). To the extent that a claim is in excess of the value of the property, the balance in excess of the value of the property shall be treated as a Class 4 nonpriority unsecured claim. If a creditor files a timely objection to the valuation of the property, the confirmation hearing shall include a valuation hearing under § 506 and Rule 3012 unless otherwise ordered by the Court.

Name of Creditor	Property Description	Purchase/ Transaction Date	Value of Property	Interest Rate	Minimum Monthly Payment Including Interest	

### 5.1.5 Domestic Support Obligations (On-Going) - Priority Claims under § 507(a)(1)

If neither box is checked, then presumed to be none.
☐ Trustee disburse
□ Debtor direct pay
The name of any holder of any domestic support obligation as defined in § 101(14A) shall be listed below. If the
Debtor becomes subject to a domestic support obligation during the Plan term, the Debtor shall notify his or her
attorney and the Trustee.

	Name of Holder	State Child Support Enforcement Agency, if any	Monthly Payment Amount	

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### 5.1.6 Executory Contracts and/or Unexpired Leases

The Debtor rejects the following executory contracts and/or unexpired leases.

### Notice to Creditor of Deadline to File Claim for Rejection Damages:

A proof of claim for rejection damages must be filed by the creditor within sixty (60) days from the date of confirmation of the Plan. Rule 3002(c)(4). Such claim shall be treated as a Class 4 nonpriority unsecured claim.

Name of Creditor	Property Description	

The Debtor assumes the following executory contracts and/or unexpired leases. Unless otherwise ordered by the Court, all motor vehicle lease payments shall be made by the Trustee. LBR 3015-1(d)(2). Any prepetition arrearage shall be cured in monthly payments prior to the expiration of the executory contract and/or unexpired lease. The Debtor may not incur debt to exercise an option to purchase without obtaining Trustee or Court approval. LBR 4001-3.

#### Trustee disburse.

	Property Description	Payments Remaining as of	Monthly Contract/Lease Payment	as of	Contract/Lease Termination Date	

### Debtor direct pay.

	Property Description	Remaining as of	Monthly Contract/Lease Payment	as of	Contract/Lease Termination Date	

### **5.1.7 Administrative Claims**

The following claims are administrative claims. Unless otherwise ordered by the Court, requests for additional attorney fees beyond those set forth below will be paid after the attorney fees set forth below and in the same monthly amount as set forth below. LBR 2016-1(b).

		Name of Claimant	Total Claim		Minimum Monthly Payment Amount	
		Louis F. Kort	\$3,500.00	\$2,950.00	\$100.00	

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# 5.2 CLASS 2 - SECURED CLAIMS WITH NO DESIGNATED MONTHLY PAYMENTS AND DOMESTIC SUPPORT OBLIGATIONS (ARREARAGES)

### 5.2.1 Secured Claims with No Designated Monthly Payments

The following claims are secured claims with no designated monthly payments, including mortgage arrearages, certificates of judgment and tax liens. The proof of claim amount shall control, subject to the claims objection process. Class 2 claims shall be paid second and shall be paid pro rata with other Class 2 claims.

Name of Creditor	Estimated Amount of Claim	
Third Federal Savings & Loan	\$10,000.00	

### 5.2.2 Domestic Support Obligations (Arrearages) - Priority Claims under § 507(a)(1)

Trustee	disburse	
Debtor	direct pay	

The name of any holder of any domestic support obligation arrearage claim or claim assigned to or owed to a governmental unit and the estimated arrearage amount shall be listed below.

	Name of Holder	State Child Support Enforcement Agency, if any	Estimated Arrearage	

#### **5.3 CLASS 3 - PRIORITY CLAIMS**

Unless otherwise provided for in § 1322(a), or the holder agrees to a different treatment, all priority claims under § 507(a) shall be paid in full in deferred cash payments. § 1322(a). Class 3 claims shall be paid third and shall be paid pro rata with other Class 3 claims.

### 5.4 CLASS 4 - NONPRIORITY UNSECURED CLAIMS

Allowed nonpriority unsecured claims shall be paid a dividend as provided in Paragraph 2.2. Class 4 claims shall be paid fourth and shall be paid pro rata with other nonpriority Class 4 claims.

### 5.4.1 Wholly Unsecured Mortgages/Liens

The following mortgages/liens are wholly unsecured and may be avoided. The Debtor shall file a motion for any mortgage/lien to be avoided. The motion shall be filed on or before the § 341 meeting of creditors and shall be served pursuant to Rule 7004. The confirmation hearing may be rescheduled if a timely motion is not filed. Optional form motions and orders are available on the Court's website at www.ohsb.uscourts.gov.

	ne of ditor	Amount of Wholly Unsecured Mortgage/Lien	Property Address	land Annraical	Total Amount of SENIOR Mortgage/Liens	
1 1	s. Blank, yy & Assoc	\$1,000.00	923 Berkeley Road, Columbus, OH	\$ Appraisal Filed  ☑ Appraisal forthcoming	\$92,669.00	

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### 5.4.2 Judicial Liens Impairing an Exemption in Real Property

The following judicial liens impair the Debtor's exemption in real property and may be avoided under § 522(f)(1) (A). The Debtor shall file a motion for any judicial lien to be avoided. The motion shall be filed on or before the § 341 meeting of creditors and shall be served pursuant to Rule 7004. The confirmation hearing may be rescheduled if a timely motion is not filed. Notwithstanding the foregoing, if a judicial lien is discovered after confirmation of the plan, a motion to avoid the judicial lien may be filed promptly after the judicial lien is discovered. Optional form motions and orders are available on the Court's website at www.ohsb.uscourts.gov.

Name of Creditor	Property Address		Exemption	of all OTHER	Amount of Judicial Lien to be Avoided	
		\$				
		☐ Appraisal Filed				
		☐ Appraisal				
		forthcoming				

### 5.4.3 Mortgages to be Avoided Under 11 U.S.C. § 544

The following debts secured by a mortgage will be paid as unsecured claims concurrent with other Class 4 claims. The Debtor or the Trustee shall file an adversary proceeding to determine whether the mortgage may be avoided. To the extent that the Trustee has standing to bring such action, standing is hereby assigned to the Debtor, provided a colorable claim exists that would benefit the estate.

Name of Creditor	Action to be Filed By	Address of Property	
	□ Debtor		
	□Trustee		

### 5.5 CLASS 5 - CLAIMS PAID BY A NON-FILING CO-DEBTOR OR THIRD PARTY

The following claims shall <u>not</u> be paid by the Trustee or the Debtor but shall be paid by a non-filing co-debtor or third party.

Name of Creditor	Name of Payor	

### 5.6 CLASS 6 - CLAIMS PAID DIRECTLY BY THE DEBTOR

The following claims shall not be paid by the Trustee but shall be paid directly by the Debtor.

Name of Creditor	Monthly Payment Amount	

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### 6. SURRENDER OF PROPERTY

The Debtor elects to surrender the following property to the creditor that is collateral for the creditor's claim. Upon confirmation of the Plan, the stay under § 362(a) shall be terminated as to the surrendered property only.

Name of Creditor	Description of Property	

#### 7. INTEREST RATE

Unless otherwise stipulated by the parties, ordered by the Court or provided for in this Plan and except for claims treated in paragraph 5.1.1, secured claims shall be paid interest at the annual percentage rate of 4 % based upon a declining monthly balance on the amount of the allowed secured claim. Interest is included in the monthly payment amount. See Till v. SCS Credit Corp. (In re Till), 541 U.S. 465 (2004).

☐ **This is a solvent estate.** Unless otherwise provided, all nonpriority unsecured claims shall be paid in full with interest at \_\_\_\_\_\_ % from the date of confirmation. If this box is not checked, the estate is presumed to be insolvent.

### 8. FEDERAL INCOME TAX RETURNS AND REFUNDS

#### **8.1 Federal Income Tax Returns**

If requested by the Trustee, the Debtor shall provide the Trustee with a copy of each federal income tax return filed during the Plan term by April 30 of each year.

### 8.2 Federal Income Tax Refunds

Notwithstanding single/joint tax filing status, the Debtor may annually retain the greater of (1) any earned income tax credit and/or additional child tax credit or (2) \$3,000 of any federal income tax refund for maintenance and support pursuant to \$1325(b)(2) and shall turnover any balance in excess of such amount to the Trustee. Unless otherwise ordered by the Court, tax refunds turned over to the Trustee shall be distributed by the Trustee for the benefit of creditors. Any motion to retain a tax refund in excess of the amount set forth above shall be filed and served pursuant to LBR 9013-3(b).

#### 9. OTHER DUTIES OF THE DEBTOR

### 9.1 Change of Address, Employment, Marital Status, or Child or Spousal Support Payments

The Debtor shall fully and timely disclose to the Trustee and file any appropriate notice, application or motion with the Court in the event of any change of the Debtor's address, employment, marital status, or child or spousal support payments.

# 9.2 Personal Injury, Workers Compensation, Buyout, Severance Package, Lottery Winning, Inheritance, or Any Other Amount

The Debtor shall keep the Trustee informed as to any claim for or expected receipt of money or property regarding personal injury, workers compensation, buyout, severance package, lottery winning, inheritance, or any other funds to which the Debtor may be entitled or becomes entitled to receive. Before the matter can be settled and any funds distributed, the Debtor shall comply with all requirements for filing applications and/or motions for settlement with the Court as may be required by the Bankruptcy Code, the Bankruptcy Rules or the Local Bankruptcy Rules. Unless otherwise ordered by the Court, these funds shall be distributed by the Trustee for the benefit of creditors.

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### 9.3 Social Security

The Debtor shall keep the Trustee informed as to any claim for or expected receipt of social security funds.

#### 10. INSURANCE

#### 10.1 Insurance Information

As of the petition date, the Debtor's real and/or property is insured as follows.

Property Address/Description	Insurance Company	Policy Number	Full/Liability	Agent Name/Contact Information	
923 Berkeley Road, Columbus, OH	American Modern Select Insurance Company	0850048130 686	Full	Marvin Smith 614-866	
2013 Honda Accord	American Family Insurance	0208769374 8	Full	Marvin Smith 614-986	

### 10.2 Casualty Loss Insurance Proceeds (Substitution of Collateral)

If a motor vehicle is deemed to be a total loss while there is still an unpaid claim secured by the motor vehicle, the Debtor shall have the option to use the insurance proceeds to either (1) pay off the balance of the secured claim through the Trustee if the secured creditor is a named loss payee on the policy or (2) upon order of the Court, substitute the collateral by purchasing a replacement motor vehicle. If a replacement motor vehicle is purchased, the motor vehicle shall have a value of not less than the balance of the unpaid secured claim, the Debtor shall ensure that the lien of the creditor is transferred to the replacement motor vehicle, and the Trustee shall continue to pay the allowed secured claim. Unless otherwise ordered by the Court, if any insurance proceeds remain after paying the secured creditor's claim, these funds shall be distributed by the Trustee for the benefit of creditors.

### 11. EFFECTIVE DATE OF THE PLAN

The effective date of the Plan is the date on which the order confirming the Plan is entered.

### 12. VESTING OF PROPERTY OF THE ESTATE

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### 13. NONSTANDARD PROVISIONS

The nonstandard provisions listed below are restricted to those items applicable to the particular circumstances of the Debtor. Nonstandard provisions shall not contain a restatement of the Bankruptcy Code, the Bankruptcy Rules, the Local Bankruptcy Rules or the Mandatory Chapter 13 Form Plan. Any nonstandard provision placed elsewhere in this Plan is void and shall have no binding effect.

Nonstandard Provisions	
The mortgage of the City of Columbus, Department of Development, is subject to a provision	
forgiving Debtor's obligation to pay if he remains in residence for an agreed period, the end point of	
which is later than the end of the five year term of this plan. Accordingly, no payments shall be	
made in this plan to the City of Columbus so long as Debtor occupies the residence.	

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By filing this Plan, the Debtor, if unrepresented by an attorney, or the Debtor's Attorney certifies that (1) the wording and order of provisions of this Plan are identical to those contained in the Mandatory Form Chapter 13 Plan adopted in this District and (2) this Plan contains no nonstandard provisions other than those set forth in Paragraph 13.

Debtor's Attorney		
/s/ Louis F. Kort		
Date: 12/01/16		
Debtor	Joint Debtor	
/s/ Brenten Johnson	/s/	
Date: 12/01/16	Date:	

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$\Box$ This Plan was filed with the petition or within seven (7) days thereafter. Accordingly, the Court will serve the Plan. See LBR 3015-1(b).					
⊠ This Plan was not filed with the petition or within seven (7) days thereafter. Accordingly, the Debtor will serve the Plan. See LBR 3015-1(b).					
Certificate of Service					
I hereby certify that a copy of the foregoing Plan was served (i) <b>electronically</b> on the date of filing through the court's ECF System on all ECF participants registered in this case at the email address registered with the Court and (ii) by <b>ordinary U.S. Mail</b> on <a href="Dec 1">Dec 1</a> , 2016 addressed to:					
Persons and entities listed on attached pages					
	/s/ Louis F. Kort				
	(Name)				

Case 2:16-bk-57328 Entered 12/01/16 23:02:56 Desc Main Doc 23 Filed 12/01/16 4314 Doccumpent Page 13 of 14 POB 4728 Case 2:16-bk-57328 Grove City, OH 43123 Carol Stream, IL 60197-4728 Southern District of Ohio Columbus Thu Dec 1 21:12:58 EST 2016 Asst US Trustee (Col) Cashland Check N Go 2918 E Main St. Office of the US Trustee 17 Triangle Park 170 North High Street Cincinnati, OH 45246-3411 Columbus, OH 43209-2613 Suite 200 Columbus, OH 43215-2417 (c) CHECKSMART Connor Group City of Columbus - Dept of Development 6785 BOBCAT WAY STE 200 50 W Gay Street 1600 Tibbarron Pkwy SE DUBLIN OH 43016-1443 Columbus, OH 43215-9067 Columbus, OH 43211 Consumer Portfolio Svc Credit Acceptance Credit Acceptance Corp Po Box 57071 25505 West Twelve Mile Rd P 0 Box 513 Irvine, CA 92619-7071 Suite 3000 Southfield, MI 48037-0513 Southfield MI 48034-8331 Crestfinsv Credit Management Lp Dept Of Ed/Navient 61 W 13490 S 4200 International Pkwy Po Box 9635 Carrollton, TX 75007-1912 Salt Lake City, UT 84020-7209 Wilkes Barre, PA 18773-9635 Diversified Consultant Drs Blank, Levy & Assoc Education First Cu 10550 Deerwood Park Blvd 5180 E Main Street 399 E Livingston Ave Jacksonville, FL 32256-0596 Columbus, OH 43213-2436 Columbus, OH 43215-5531 Enhanced Recovery Co L Eos Cca Exeter Finance Corp 8014 Bayberry Rd Po Box 981008 Po Box 166097 Jacksonville, FL 32256-7412 Irving, TX 75016-6097 Boston, MA 02298-1008

Exeter Finance Corporation P.O. BOX 165028 IRVING, TX 75016-5028

Glhegc Po Box 7860 Madison, WI 53707-7860

Hsbc Auto 6602 Convoy Ct San Diego, CA 92111-1009

Faye D English Chapter 13 Trustee 10 West Broad Street - Ste 900 Columbus, OH 43215-3449

HSBC POB 15524 Wilmington, DE 19850

Brenten W Johnson 923 Berkeley Road Columbus, OH 43206-1701 First Premier Bank 601 S Minnesota Ave Sioux Falls, SD 57104-4868

HSBC Bank Attn: Bankruptcy Department POB 5213 Carol Stream, IL 60197-5213

Louis F Kort 338 S High St Columbus, OH 43215-4546 Case 2:16-bk-57328 Doc 23 Filed 12/01/16 Entered 12/01/16 23:02:56 737 Enterprise Dr

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Wilkes Barre, PA 18773-9500

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Desc Main 130 East Wilson Bridge Road

Suite 200

Worthington, OH 43085-2391

Pnc Bank/Glelsi Po Box 7860 Madison, WI 53707-7860

Westerville, OH 43081

Santander Consumer Usa Po Box 961245 Ft Worth, TX 76161-0244

Slm Financial Corp 11100 Usa Pkwy Fishers, IN 46037-9203

State of Ohio Dept of Taxation 30 E. Broad Street 20th Floor Columbus, OH 43266-0030

Third Federal S & L 7007 Broadway Ave Cleveland, OH 44105-1490

Unique National Collec 119 E Maple St Jeffersonville, IN 47130-3439

(p) WRIGHT PATT CREDIT UNION 3560 PENTAGON BLVD BEAVERCREEK OH 45431-1706

> The preferred mailing address (p) above has been substituted for the following entity/entities as so specified by said entity/entities in a Notice of Address filed pursuant to 11 U.S.C. 342(f) and Fed.R.Bank.P. 2002 (g)(4).

Wright Patt Credit Union 3560 Pentagon Blvd Dayton, OH 45431-1706

(d) Wright Patterson Crdt 2455 Executive Blvd Fairborn, OH 45324

Addresses marked (c) above for the following entity/entities were corrected as required by the USPS Locatable Address Conversion System (LACS).

CheckSmart 7001 Post Road, Ste 200 Dublin, OH 43016

End of Label Matrix Mailable recipients 39 Bypassed recipients 0 Total 39